THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 25473 of 2005

O r d e r:

The petitioner is a Daily Wage Conductor with the respondents-APSRTC. On the ground that on 27.05.2001 at about 5.00 A.M., while plying the bus on the route Rajampet-Cuddapah-Tirupati, he caused a major accident, respondent No.1 issued notice dated 19.11.2001 to the petitioner to show cause as to why his name should not be deleted from the approved/select list. The petitioner submitted his explanation thereto, but respondent No.1, vide proceedings dated 19.12.2001 deleted the name of the petitioner from the approved/select list of Daily Wage Drivers. It is this order, which the petitioner is assailing in this writ petition.

The learned counsel for the petitioner submits that the petitioner has not committed the accident on 27.05.2001, and this is evident from the fact that he has been acquitted in the criminal case in C.C. No. 107 of 2001, by the Judicial Magistrate of First Class, Siddavatam, vide judgment dated 14.03.2002. He submitted that respondent No.1 without considering the explanation submitted by the petitioner to the show cause notice and without conducting any enquiry, passed the impugned order removing him from the select/approved list of Daily Wage Drivers, which is illegal and arbitrary.

The respondents filed counter. The learned Standing Counsel appearing on their behalf submitted that the petitioner was appointed as Casual Driver on daily wage basis, and as per the terms and conditions of the appointment order, issued in terms of Circular No. PD-22/1999, dated 05.03.1999, in case the Casual Driver involves in rash and negligent driving, his name will be deleted from the select/approved list of Drivers. The petitioner by his rash and negligent driving, caused an accident, in which a person died, and therefore, the respondents after issuing show cause notice and after considering the explanation, deleted the name of the petitioner from the select/approved list of Casual Drivers. He submitted that due to the rash and negligent driving of the petitioner, respondents had to pay Rs.5,00,000/- to the kith

and kin of the deceased as compensation as ordered in O.P. No. 748 of 2001. He thus prayed that the writ petition be dismissed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC.

Though the respondents contends that as the petitioner caused a major accident, after giving show cause notice and calling for his explanation, his name was deleted from the approved/select list of Daily Wage Drivers, the fact remains, the respondents without conducting any enquiry, dis-satisfied with the explanation submitted by the petitioner, deleted his name from the approved/select list of Daily Wage Drivers, which in effect, amounted to denying employment to the petitioner. The law is well settled that an administrative authority cannot impose major punishment on an employee without conducting any enquiry. In similar matters, and one such being in W.A. No. 1259 of 2003, a Division Bench of this Court, by order dated 29.08.2003, upheld the order of the learned single Judge in W.P. No. 4837 of 2003, setting aside the order passed by the respondents deleting the names of employees from the approved/select list, without conducting any enquiry. Inasmuch as, in the instant case also, no enquiry whatsoever was conducted by the respondents, before deleting the name of the petitioner from the approved/select list of Daily Wage Drivers, the impugned order cannot be sustained, and it is accordingly set aside.

Hence the writ petition is allowed. The respondents-APSRTC shall restore the name of the petitioner in the approved/select of Daily Wage Drivers. However, the respondents-APSRTC, are liberty to conduct departmental enquiry, and in the event the petitioner is found guilty in the departmental enquiry, they may take appropriate action.

For the foregoing reasons, the writ petition is allowed. No costs.

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N.V. RAMANA, J.

Date: 28th April, 2006

KSR